

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TRAVELODGE HOTELS, INC.,

Plaintiff,

vs.

No. CIV 02-1560 MV/WDS

KALI LIMITED, a New Mexico Limited
Liability Company, JASH H. JAISWAL, an
individual, WILLIAM TERRANOVA, an
individual,

Defendants.

KALI LIMITED, a New Mexico Limited
Liability Company, JASH H. JAISWAL, an
individual,

Counter Claimants,

vs.

TRAVEL LODGE HOTEL, INC.,

Counter Defendant.

MEMORANDUM OPINION AND ORDER

On July 26, 2005, the Court entered a Memorandum Opinion and Order enforcing a settlement agreement negotiated, but not executed, by the parties in this case in 2004 (“2004 Settlement Agreement”) and, pursuant to the 2004 Settlement Agreement, entered an order of dismissal on August 25, 2005. On September 20, 2005, the parties filed a Stipulated Motion to Clarify Order Dismissing Action, [**Doc. No. 74**], noting that prior to the Court enforcing the 2004 Settlement Agreement, the parties had negotiated and executed a new settlement agreement (“2005 Settlement Agreement”) and requesting that the Court vacate its Order enforcing the 2004

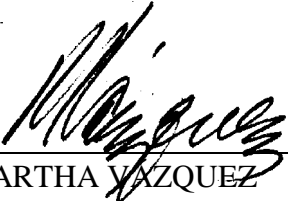
Settlement Agreement and related dismissal and dismiss this case based on the 2005 Settlement Agreement.

The Court has reviewed the docket in this case and concludes that a mistake has been made. On July 5, 2005, prior to the Court enforcing the 2004 Settlement Agreement, the parties filed a stipulation for entry of judgment on the grounds that "On or around August __, 2004 the parties had settled this litigation and finalized a Settlement Agreement." Despite the reference to a 2004 settlement agreement, it appears that the parties were informing the Court that they had executed a new settlement agreement. Thus, the case should have been dismissed pursuant to the 2005 Settlement Agreement, which was executed by the parties, and not the 2004 Settlement Agreement, which was enforced by the Court.

IT IS THEREFORE ORDERED that the Memorandum Opinion and Order filed July 26, 2004 [Doc. No. 72] and the Order of Dismissal filed August 25, 2005 [Doc. No. 73] are hereby **VACATED**.

IT IS FURTHER ORDERED that this case is dismissed pursuant to the settlement agreement executed by the parties in June, 2005. The Court shall retain jurisdiction solely to enforce the terms of the settlement agreement.

Dated this 27th day of September, 2005.



MARTHA VAZQUEZ
CHIEF UNITED STATES DISTRICT JUDGE